



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/736,019	10/22/1996	ANDREW GOODEARL	04585/00200Q	3384

7590

10/22/2002

KRISTINA BIEKER-BRADY, PH.D.
CLARK & ELBING LLP
176 FEDERAL STREET
BOSTON, MA 021102214

EXAMINER

GUCKER, STEPHEN

ART UNIT	PAPER NUMBER
----------	--------------

1647

DATE MAILED: 10/22/2002

25

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

FIRST NAMED APPLICANT

ATTORNEY DOCKET NO.

EXAMINER	
ART UNIT	PAPER NUMBER
	25

DATE MAILED

Below is a communication from the EXAMINER in charge of this application
COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

☒ THE PERIOD FOR RESPONSE:

a) ☐ is extended to run _____ or continues to run 4/23/02 from the date of the final rejection

b) ☐ expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

☐ Appellant's Brief is due in accordance with 37 CFR 1.192(a).

☒ Applicant's response to the final rejection, filed 7/29/02 has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1. ☒ The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:

- ☒ There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
- ☒ They raise new issues that would require further consideration and/or search. (See Note).
- ☐ They raise the issue of new matter. (See Note).
- ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
- ☐ They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE:

If the amendment was entered, new obvious-type double-patenting rejection would require further consideration. Please see attachment for a 37 CFR 1.105 request for information needed to determine any further or new double-patenting rejections.

2. ☐ Newly proposed or amended claims _____ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.

3. ☒ Upon the filing an appeal, the proposed amendment ~~will~~ will be entered ☒ will not be entered and the status of the claims will be as follows:

Claims allowed: _____

Claims objected to: _____

Claims rejected: 132, 136-137, 139-142 143

However;

☐ Applicant's response has overcome the following rejection(s): _____

4. ☐ The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because _____

5. ☐ The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.

☐ The proposed drawing correction ☐ has ☐ has not been approved by the examiner.

☐ Other

Art Unit: 1647

Comments to Advisory Action

1. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application:

(1) Because of the large number of sequences and fragments of sequences presented for examination in the instant claims and in multiple co-pending and allowed applications, the Examiner is making a request for a listing and identification of all applications that Applicants have filed that claim the instant sequences either as discrete SEQ ID NOs or fragments of larger sequences in any methods of administration and/or treatment. The Examiner is making this request because the sequence listings in some of these applications exceeds 300 SEQ ID NOs, and the numbering scheme between applications has not always remained constant, such that a SEQ ID NO in one application may not correspond to the same SEQ ID NO in another application. Without some compact and coherent system to refer to, the only other choice the Examiner would have is to require each application's claims to be restricted to a single SEQ ID NO so that all issues relating to the examination of the claims (particularly double-patenting issues) can be made in a reliable and timely fashion.

2. The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 CFR 1.105 that are included in the applicant's first complete

Art Unit: 1647

communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97.

3. The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete reply to the requirement for that item.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gucker whose telephone number is (703) 308-6571. The examiner can normally be reached on Monday to Friday from 0930 to 1800. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz, can be reached on (703) 308-4623. The fax phone number for this Group is currently (703) 308-4242, but Applicant should confirm this by phoning the Examiner before faxing.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

SG

Stephen Gucker

October 21, 2002

Gary L. Kunz
GARY KUNZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600